

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2001:

Present

Vote

James S. Burgett, Chairman
Donald E. Wiggins, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
H. R. Ashe

On motion of _____, which carried ____, the following resolution was adopted:

AN ORDINANCE TO AMEND CHAPTER 24.1, ZONING, OF THE YORK COUNTY CODE TO REVISE THE DEFINITION OF THE TERM “MARINA” AND TO ESTABLISH CERTAIN PERFORMANCE STANDARDS FOR “EATING FACILITIES” ASSOCIATED WITH MARINAS

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-56-01 to address ambiguities in the current Zoning Ordinance definition of the term “marina” and to consider various performance standards for “eating facilities” associated with marinas; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has conducted a public hearing and given careful consideration to the public comments and the recommendations of staff and the Planning Commission with respect to this application and the proposed amendments; and

WHEREAS, in the interest of good zoning practice and to provide appropriate guidance for the administration its zoning policies, the Board has determined that the proposed amendments are necessary

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the ____ day of ____, 2001, that the following amendments to Chapter 24.1, Zoning, of the York County Code be, and they are hereby, adopted:

Section 24.1-104, Definitions:

Marina. A facility designed for dockage, storing, servicing, berthing, fueling, repairing or securing of primarily pleasure boats and which may include accessory and incidental eating and retail facilities for owners, members, crews or guests and may have loading and unloading facilities in accordance with the performance standards established in this chapter.

Wet slip. A marina where boats are docked and secured in the water. Covered or uncovered slips may be provided.

Dry storage. A marina where boats are stored on land, either indoors or out, which may include provisions for transfer to and from the water by mechanical means upon request.

Section 24.1-462. Standards for marina, dock or boating facility (commercial)

- (a) Commercial marinas, docks and boating facilities shall be designed in accordance with the "Criteria for the Siting of Marinas or Community Facilities for Boat Mooring" as prepared by the Virginia Marine Resources Commission, VR 450-01-0047.
- (b) All federal, state and local requirements for marina facilities shall be met and the necessary permits obtained prior to issuance of the zoning certificate for docks, piers or boat houses.
- (c) All requirements of the environmental management overlay district shall be addressed as part of any plan approval.
- (d) Accessory and incidental "eating facilities" associated with marinas shall be subject to the following requirements:
 - (1) A marina may provide and include an eating facility with a maximum seating capacity of twelve (12) persons, subject to compliance with all applicable site plan requirements. A Special Use Permit shall be required for any eating facility having in excess of twelve (12) seats.

Unless otherwise approved by the Board of Supervisors at the time of use permit approval, the maximum number of seats in the eating facility shall

not exceed 50% of the number of wet slips in the marina (i.e., a maximum of one (1) seat for every two (2) slips). The Board may, however, establish a seating limitation of less than this ratio if deemed necessary to prevent adverse impacts on the surrounding area or road systems.

- (2) The eating facility shall be designed and operated to serve primarily the patrons of the marina. For the purposes of this section, marina patrons shall be those people whose boats are docked or stored at the marina, either on a long-term or transient basis, or those people whose boats are being serviced or repaired at the marina, and the accompanying guests of the patrons, as defined.
- (3) The hours of operation for the eating facility shall be limited to the following time periods: During Eastern Standard Time – 6:00 a.m. to 7:00 p.m.; During Daylight Savings Time – 5:30 a.m. to 10:00 p.m.
- (4) The eating facility shall not include a dance floor nor shall live musical performances be allowed in the facility.
- (5) The eating facility shall not be identified separately from the marina in any signage, advertising or publicity.
- (6) The eating facility shall not be made available for meetings, receptions or other functions not associated with the marina operation. This limitation shall specifically preclude the reservation or rental of the facility for receptions or parties open to the general public.
- (7) Any proposed outdoor dining areas shall be clearly depicted on the plans submitted with the application and shall be subject to approval by the Zoning Administrator or the Board of Supervisors as to compatibility with surrounding land uses. Any outdoor speaker systems associated with the eating facility shall be designed and operated so as to not be audible on any adjacent properties. All outdoor seating shall be counted toward the maximum seating ratio established above.
- (8) When used and mentioned in connection with marinas, the term “eating facility” shall be deemed to include an area within a structure on the marina property which is used for the preparation, serving and consumption of food by customers of the marina, either within the structure or for carry-out for consumption elsewhere on the premises or in boats using the marina. Such facilities shall not be deemed “restaurants” when they are operated in accordance with the conditions and stipulations set out above, even though they may exhibit all or many of the same characteristics associated with establishments defined and operated as such.
